



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,675	08/29/2003	Jean-Pierre Lubowicki	0549-1008	7763

466 7590 08/26/2004

YOUNG & THOMPSON  
745 SOUTH 23RD STREET 2ND FLOOR  
ARLINGTON, VA 22202

EXAMINER
----------

WILLIAMS, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

3676

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/650,675

**Applicant(s)**

LUBOWICKI ET AL.

**Examiner**

Mark A. Williams

**Art Unit**

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-9, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticiapted by Weiss, US Patent 5,636,564. A household electrical appliance comprising firstly a support and secondly a waffle-iron device 10 which comprises a top panel and a bottom panel hinged to each other by a hinge (near 23, 24, 14) to move between an open position and a closed position, the device being pivotally mounted on the support about a pivot axis to move between at least a working angular position in which an axis of the hinge is oriented horizontally, the top panel being above the bottom panel, and an upside-down second angular position in which the axis of the hinge is oriented horizontally, the top panel being beneath the bottom panel, the appliance further comprising a releasable locking device (17, 19) acting on the relative movement between the top and bottom panels to allow the top panel to move freely relative to the bottom panel when the device is in its

working position, and to lock the top panel in its closed position relative to the bottom panel when the device is in its upside-down position. The support comprises first and second stands (22, 18) projecting up from a bottom plate 20 and on which the waffle-iron device is pivotally mounted at two opposite ends; the waffle-iron device has a single handle 25 situated at the end of an arm connected to the top panel and extending from one end only thereof, remote from the hinge, the arm extending towards the second stand when the device is in the working position or in the upside-down position in order to rest thereon in both the positions; and the releasable locking device engages the arm in the upside-down position and disengages from it in the working position, then allowing the top panel and the bottom panel to hinge freely about the hinge. The bottom panel is connected to an arm (17) extending along the arm connected to the top panel (17) both in the working position and in the upside-down position of the waffle-iron device, the arm bearing in both the positions on the second stand at a pivot zone. The locking device has a bearing 19 formed on the support to receive an arm connected to the bottom panel and rotatably supporting a pivot having a slot in which a portion of a handle connected to the top panel engages. The locking device comprises a locking element secured to the top panel, comprises a pivot secured to the bottom panel, extending long the pivot axis remotely from the hinge, and including a housing

adapted to receive the locking element when the two panels are in the closed position, and comprises a bearing carried by the support in which the pivot is pivotally mounted, shaped in such a manner as to prevent the panels from opening when the device is in the upside-down position, and including an opening which is disposed in such a manner as to allow the locking element to pass in order to allow the device to open and close when the device is in its working position. The locking element is broadly considered a blade.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss. Weiss discloses the claimed invention except for the particular range of the opening. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the range of the opening in this way, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine

skill in the art. *In re Aller*, 105 USPQ 233. Such a modification is not critical to the design and would produce no unexpected results.

***Allowable Subject Matter***

2. Claim 10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (703) 305-3438. The examiner can normally be reached on Monday through Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams  
8/17/04



TERI PHAM LUU  
PRIMARY EXAMINER